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RESOLUTION NO. 09-304

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER DRAIN NO. 361 (SOUTH OF 47TH ST. SOUTH, WEST OF I-135 FREEWAY) 468-84636 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING STORM WATER DRAIN NO. 361 (SOUTH OF 47TH ST. SOUTH, WEST OF I-135 FREEWAY) 468-84636 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve Storm Water Drain No. 361 (south of 47th St. South, west of I-135 Freeway) 468-84636.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Million Five Hundred Thousand Dollars (\$1,500,000) the cost of interest on borrowed money, with 20 percent payable by the improvement district and 80 percent payable by the City of Wichita at large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after September 1, 2007, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

A tract of land being located in the Northwest 1/4 and Northeast 1/4 of Section 21, Township 28 South, Range 1 East, of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of said Section 21; thence S89°43'34"E, on an assumed bearing for a distance of 1626.51 feet, to the East right-of-way for the Riverside Drainage Canal; thence S5°20'10"E, on the East right-of-way of said drainage canal for a distance of 145.41 feet, to the South right-of-way of the Kansas Turnpike, being the Point of Beginning; thence S69°59'49"E, along the South right-of-way of the Kansas Turnpike for a distance of 245.00 feet; thence S61°13'17"E, along the South right-of-way of the Kansas Turnpike for a distance of 691.10 feet; thence S18°43'34"E, along the West right-of-way of the Kansas Turnpike for a distance of 1413.34 feet; thence S9°33'49"W, along the West right-of-way of the Kansas Turnpike for a distance of 729.37 feet, to the South line of said Northeast 1/4; thence S89°37'04"W, along the South line of said Northeast 1/4 for a distance of 176.00 feet, to the center of Section 21; thence S89°36'34"W, along the South line of said Northwest 1/4 for a distance of 794.26 feet, to the East right-of-way of said drainage canal; thence N3°02'43"E, along the East right-of-way of said drainage canal for a distance of 263.89 feet; thence on a curve to the left, having a radius of 2084.33 feet and a chord bearing of N2°11'50"W for a distance of 364.89 feet; thence N7°14'07"W, along the East

right-of-way of said drainage canal for a distance of 699.53 feet; thence N5°25'59"W, along the East right-of-way of said drainage canal for a distance of 1164.47 feet, to the Point of Beginning.

Said tract contains 50.6 acres more or less.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: That the afore-described property shall pay 100/100 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of September, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)